IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 34679 of 1997

Between:

Mustaq Ahmed, S/o.Ghulam Ahmed,
Rep.by its GPA Holder Askani Ahmed, R/o.Shahensha Village,
Salrjung Colony.

..... PETITIONER

AND

1 The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.
2 The State of Andhra Pradesh, Rep.by its Secretary, Revenue Department, Secretariat, Hyderabad.
3 M/s.Sanghi Textiles Pravate Limited, Rep.by its Director Mr.Sudheer Sanghi, Adminisstrative Officer 4-3-352 Bank Street, Hyderabad.
4 Ramsaram Sanghi, S/o.Paramanda Sanghi,
4-3-352,Bank Street Hyderabad.

R3 and R4 are impleaded as per Court Order dt. 23.10.98 in WPMP 32788/98.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly one in the nature of Writ of Mandamus declaring after the disposal of the revision petition and on the rejection of the appeal, the 1st Respondent is learnt to be taking steps to take possession of the alleged excess extent of 789.02 Sq.Mts. This petition is therefore filed for the issuance of the Writ of Mandamus or such other appropriate writ order or directions that the petitioner does not own any vacant land in excess of the ceiling area and consequently quash the proceedings of the competent Authority in CCE1/5913/76.

Counsel for the Petitioner:MR.C.HANUMANTHA RAO

Counsel for Respondents 1 and 2: GP FOR REVENUE

Counsel for Respondents 3 and 4:MR. P.M. GOPAL RAO

The Court, at the stage of admission, made the following :

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for respondents 1 and 2 and learned counsel for respondents 3 and 4.

The petitioner, who is represented by G.P.A., filed declaration under Section 6 of the Urban Land Ceiling Act, which was finalized by the Competent Authority determining that the petitioner is in possession of excess land to an extent of 789 square meters, than the ceiling limit and passed an order to that effect. Aggrieved by the said order, the petitioner filed a revision, under Section 34 of the Act, before the Government, which was rejected through order, dated 4-2-1993, holding that the revision petition is not a substitute for an appeal. Later, he filed an appeal, but the same was not entertained, on the ground that it was barred by limitation. Hence, the present writ petition is filed.

This Court, while entertaining the writ petition, by order dated 31-12-1997, granted interim suspension of the order passed by the Competent Authority, provided if the possession of the property in question is not already taken.

Respondents 3 and 4, who are claiming to be in possession of the property in question, got impleaded themselves in the writ petition.

C.C.No.1307 of 1998 came to be filed, on the ground that the respondents were disobeying the orders of this Court passed in W.P.M.P.No.40919 of 1997 in W.P.No.34679 of 1997, and the said C.C., was closed, through order, dated 02-11-1998.

While so, respondents 3 and 4, who are claiming to be in possession of the said vacant site, filed applications before the Government for regularization of the said excess vacant land of an extent of 789.28 square meters, in their favour, in the light of the G.O.Ms.No.455 Rev. UC-II Dept., dated 29-07-2002, and the same were pending consideration before the Government.

On 04-11-2004, the petitioner filed W.P.M.P.No.26771 of 2004, praying that the writ petition may be disposed of with necessary directions to the Government, which reads as under:

"To dispose of W.P.No.34679 of 1997 with necessary directions to the Government that the excess extent of 789.28 square meters in T.S.No.12/B, Sy.No.129/40 (new) and 336 (old) situated at Road No.12, Banjara Hills, Shaikpet Village, Hyderabad, which was declared as excess land in C.C.No.E1/5913/76 against the petitioner, which land is in actual and physical possession of Sri Ram Sharan Sanghi and Shri Sudhir Kumar Sanghi i.e., respondents 3 and 4, who shall be entitled under G.O.Ms.No.455, Rev. UC-II Department, dated 29-07-2002, and their applications for regularization are pending before the Government, as the petitioner has no claim for regularization under the said G.O."

Learned counsel for the petitioner expressed no objection for regularization of the land in question in favour of respondents 3 and 4, in terms of the said G.O., dated 29-07-2002.

In the circumstances, respondents 1 and 2 are hereby directed to consider the applications said to have been filed by respondents 3 and 4, in the light of the said G.O., dated 29-07-2002, and pass appropriate orders thereon, according to law.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

09-11-2004

GJ

To

1 The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.
2 The Secretary, State of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
3 The Director, M/s.Sanghi Textiles Pravate Limited, Mr.Sudheer Sanghi, Adminisstrative Officer 4-3-352 Bank Street, Hyderabad.
4 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.